

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

THE LANCE AND LINDA NEIBAUER
JOINT TRUST, by and through LANCE
NEIBAUER, as trustee,

Plaintiff,

v.

MICHAEL J. KURGAN, an individual,

Defendant.

Case No. 6:14-cv-01192-MC

ORDER

MCSHANE, Judge:

Defendant Michael J. Kurgan, proceeding *pro se*, removed this breach of contract action. Kurgan then moved to transfer venue and join this action with a pending action Kurgan filed against the Neibauer trust in the Southern District of California. Pursuant to a stipulation of the parties, I stayed this action pending a motion to dismiss in the California case. On August 11, Judge Burns dismissed the Southern District of California case, concluding the court lacked personal jurisdiction over the Neibauer defendants. Fox Decl., Ex. 9. Therefore, the stay is now lifted. The motion to transfer, ECF No. 2, is DENIED. Oral argument is unnecessary.

First, I note Kurgan failed to confer prior to filing the motion to transfer. For that reason alone, the motion is DENIED. *See* LR 7-1(a). Although Kurgan proceeds *pro se*, that does not relieve him of complying with the local and federal rules.

Additionally, the motion fails on the merits. Under 28 U.S.C. § 1404(a), a district court may transfer a case only to a district or division where the case may have been brought. As noted, Judge Burns concluded the California court lacked personal jurisdiction over this plaintiff (and the defendant there). Kurgan therefore cannot meet his burden that this action should be transferred to California.

As dates now need to be set in this action, a rule 16 hearing is set for Wednesday, September 3, 2014 at 2:30 p.m. The hearing will be by telephone. The court will place the call, with Kurgan's contact information listed as (858) 408-9330. If that number is incorrect, Kurgan shall contact courtroom deputy Charlene Pew at (541) 431.4105 with the correct number.

The clerk shall mail Kurgan a copy of this order to:

Michael J. Kurgan
6538 Collins Avenue
Unit 288
Miami Beach, Florida 33141

IT IS SO ORDERED.

DATED this 19th day of August, 2014.

/s/ Michael J. McShane
Michael McShane
United States District Judge